

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
AT BECKLEY

LONNIE JAMIE GARRIS,

Petitioner,

v.

CIVIL ACTION NO. 5:06-0939
CRIMINAL ACTION NO. 5:04-0079

UNITED STATES OF AMERICA,

Respondent.

MEMORANDUM OPINION AND JUDGMENT ORDER

On November 3, 2006, petitioner filed a petition to vacate, set aside, or correct sentence under 28 U.S.C. § 2255. (Doc. No. 66.) By Standing Order entered August 1, 2006, and filed in this case on November 3, 2006, this action was referred to United States Magistrate Judge Mary Stanley for submission of a Proposed Findings and Recommendation. Magistrate Judge Stanley submitted her Proposed Findings and Recommendation on June 7, 2007. (Doc. No. 79.) In that Proposed Findings and Recommendation, the magistrate judge recommended that this court deny the petition.

In accordance with the provisions of 28 U.S.C. § 636(b), the parties were allotted ten days, plus three mailing days, in which to file any objections to Magistrate Judge Stanley's Proposed Findings and Recommendation. No party has filed objections within the requisite period, and the failure of any party to file such objections constitutes a waiver of such party's right to a *de novo* review by this court and appellate review by the circuit

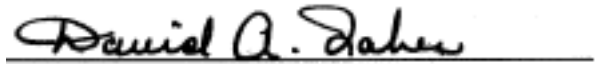
court of appeals. Snyder v. Ridenour, 889 F.2d 1363, 1366 (4th Cir. 1989); Thomas v. Arn, 474 U.S. 140, 155 (1985).

Having reviewed the Proposed Findings and Recommendation filed by the magistrate judge, the court adopts the findings and recommendations contained therein. Accordingly, the court hereby (1) **DENIES** the petition (Doc. No. 66); and (2) **DISMISSES** this matter with prejudice.

The Clerk is directed to remove this matter from the court's active docket and to forward a certified copy of this written Memorandum Opinion and Judgment Order to counsel of record and petitioner, pro se.

IT IS SO ORDERED this 26th day of July, 2007.

ENTER:


David A. Faber
Chief Judge